

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:19-cv-00235-RJC-DCK

NICK LAWS, a/k/a Nick of the Family)
Laws,)
)
Plaintiff,)
)
v.)
)
CHILD SUPPORT SERVICES, in its)
individual and official capacity, JUDY)
MCARN, Chief of IV-D Franchise – in)
her individual and official capacity,)
MECKLENBURG COUNTY CHILD)
SUPPORT ENFORCEMENT, in its)
individual and official capacity,)
MECKLENBURG COUNTY, in its)
individual and official capacity, DENA)
DIORIO, Mecklenburg County Manager)
– in her individual and official capacity,)
and JOAN KENNEDY, in her individual)
and official capacity,)
)
Defendants.)

ORDER

THIS MATTER comes before the Court on Defendants’ motions to dismiss, (Doc. Nos. 13, 15), and the Magistrate Judge’s Memorandum & Recommendation (“M&R”), (Doc. No. 19).

I. BACKGROUND

On May 20, 2019, Plaintiff filed his Pro Se Complaint alleging violations of his federal constitutional rights and claims for fraudulent inducement, peonage, fraud, dissemination of false advertisements, and compelled use of an SSN. (Doc. No. 1, at 3–4.) On July 24, 2019, Defendants North Carolina Health and Human

Services¹ (“DHHS”) and Judy McArn filed their motion to dismiss pursuant to Rules 12(b)(1), (2), (5), and (6). (Doc. No. 13.) On August 21, 2019, Defendants Mecklenburg County, Mecklenburg County Child Support Enforcement, Dena Diorio, and Joan Kennedy filed their motion to dismiss pursuant to Rules 12(b)(1), (5), and (6). (Doc. No. 15.) In the M&R, the Magistrate Judge recommended that this Court grant Defendants’ motions. (Doc. No. 19, at 9.) The Magistrate Judge advised the parties of their right to file objections within fourteen days, (Doc. No. 19, at 9–10); however, no objections were filed, and the time for doing so has expired.

II. STANDARD OF REVIEW

The district court may assign dispositive pretrial matters pending before the court to a magistrate judge for “proposed findings of fact and recommendations.” 28 U.S.C. § 636(b)(1)(B). The Federal Magistrate Act provides that a district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* § 636(b)(1); Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

¹ DHHS states that the Complaint incorrectly names Child Support Services as a defendant, which is not a state agency and does not have the capacity to be sued. DHHS states that it is a state agency and Child Support Services is a part of its Division of Social Services.

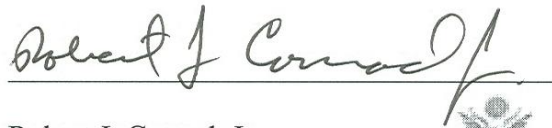
III. DISCUSSION

As no objection to the M&R has been made, the parties have waived their right to de novo review of any issues covered in the M&R. After review of the M&R and the entire record, the Court determines that the recommendation of the Magistrate Judge to grant Defendants' motions to dismiss is fully consistent with and supported by current law. Therefore, the Court adopts the M&R.

IV. CONCLUSION

IT IS THEREFORE ORDERED that:

1. The Magistrate Judge's M&R, (Doc. No. 19), is **ADOPTED**;
2. Defendants' motions to dismiss, (Doc. Nos. 13, 15), are **GRANTED**; and
3. The Clerk of Court is directed to close this case.


Robert J. Conrad, Jr.
United States District Judge

